

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHEVRON CORPORATION,

Plaintiff,

vs.

STEVEN DONZIGER, et al.,

Defendants.

CASE NO. 11-CV-0691 (LAK)

**DECLARATION OF ELLIOT R. PETERS IN SUPPORT OF DEFENDANT STEVEN R.
DONZIGER'S AND THE LAW OFFICES OF STEVEN R. DONZIGER'S OPPOSITION
TO CHEVRON'S MOTION FOR PRELIMINARY INJUNCTION AND OBJECTION TO
THE COURT'S CLOSURE OF THE RECORD**

I, ELLIOT R. PETERS, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a partner of the law firm Keker & Van Nest LLP, counsel for Defendants Steven Donziger and The Law Offices of Steven R. Donziger (“Donziger”) in the above-captioned action.

2. I am an attorney licensed to practice law in the States of California and New York. I am a member of the bar of this Court. I have personal knowledge of the facts recited in this declaration. If called and sworn as a witness, I could and would competently testify as to these facts.

3. Attached hereto as **Exhibit 1** is a true and correct copy of a letter from John W. Keker to the Honorable Lewis A. Kaplan, dated February 17, 2011.

4. Attached hereto as **Exhibit 2** is a true and correct copy of an Order of Provisional Measures adopted by an Arbitral Tribunal Constituted Under the Arbitration Rules of the United Nations Commission on International Trade Law, dated February 11, 2011.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Expert Statement on Foreign Law by Genaro Eguiguren, dated January 30, 2008, and a contemporaneous English translation thereof.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the Rebuttal Expert Statement by Genaro Eguiguren, dated May 9, 2008, and a contemporaneous English translation thereof.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the Expert Report of Dr. Alicia Arias Salgado, dated September 22, 2008.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the Supplemental Expert Report of Dr. Alicia Arias Salgado, dated January 26, 2009.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the Expert Statement of Marco Vinicio Albuja Martinez, dated January 30, 2008.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the Rebuttal Expert Statement of Marco Vinicio Albuja Martinez, dated May 9, 2008.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the Third Expert Report of Dr. Marco Vinicio Albuja Martinez, dated January 26, 2009.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the Declaration of Pablo Fajardo Mendoza, dated May 5, 2010, submitted in *Chevron Corp. v. Stratus Consulting, Inc.*, No. 1:10-cv-47-MSK-MEH (D. Colo.).

13. Attached hereto as **Exhibit 11** is a true and correct copy of a letter from Steven R. Donziger to the Honorable Lewis A. Kaplan, dated Feb 8, 2011.

14. Attached hereto as **Exhibit 12** is a true and correct copy of the Final Legal Argument, dated February 1, 2011, filed by Pablo Fajardo Mendoza in the matter of *Aguinda v. Chevron Corp.* before the Provincial Court of Justice of Sucumbios, Lago Agrio, Ecuador.

15. Attached hereto as **Exhibit 13** is a true and correct copy of a Memorandum by Winston and Strawn filed in *In Re Application of Republic of Ecuador*, CV-10-80225 MISC (N. D. Calif), in support of an Ex Parte Application for an Order under 28 U.S.C. § 1782 for the Issuance of a Subpoena to Diego Borja, dated September 10, 2010.

16. Attached hereto as **Exhibit 14** is a true and correct copy the Criminal Indictment of several Chevron employees by the First Criminal Division of the National Court of Justice in Ecuador, dated April 29, 2010, and a contemporaneous English translation thereof.

17. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts filed by the Republic of Ecuador in the recent BIT action describing the April 29, 2010 criminal indictment.

18. Attached hereto as **Exhibit 16** is a true and correct copy of an unofficial translation of a March 26, 2004 contract between Texaco Petroleum Company and the Fourth Army Division "Amazonas" for the building of corporate lodging on military base RAYO-IV.

19. Attached hereto as **Exhibit 17** is a true and correct copy of a certified English translation of a February 3, 2006 Ecuadorian Ministry of National Defense report, attaching confidential affidavits submitted by Major I Arturo Velasco C., Sub-Commander of Special Forces, and Col. of E.M.C. Miguel Fuertes Ruiz, Commander of 19-BS, summarizing an incident that occurred with respect to judicial inspections in the El Guanta sector.

20. Attached hereto as **Exhibit 18** are true and correct copies of affidavits relating to the Ecuadorian justice systems that Chevron has submitted to this Court.

21. Attached hereto as **Exhibit 19** is a true and correct copy of the transcript of a 60 Minutes report entitled “Amazon Crude,” that aired on May 3, 2009 on CBS and is available at: <http://www.cbsnews.com/stories/2009/05/01/60minutes/main4983549.shtml>.

22. Attached hereto as **Exhibit 20** is a true and correct copy of an article entitled, “Chevron asks Ecuador judge to clarify ruling,” by Reuters dated February 17, 2011, available at: <http://www.reuters.com/article/2011/02/17/us-ecuador-chevron-idUSTRE71G4RE20110217>

23. Attached hereto as **Exhibit 21** is a true and correct copy of an article entitled, “Chevron asks Ecuadorean court to clarify ruling,” by the Wall Street Journal, dated February 17, 2011, available at: <http://online.wsj.com/article/SB10001424052748704657704576150292310648986.html>

24. Attached hereto as **Exhibit 22** is a true and correct copy of Chevron Corporation’s 2009 Annual Financial Report available at: http://www.chevron.com/annualreport/2009/documents/pdf/Chevron2009AnnualReport_full.pdf

25. Attached hereto as **Exhibit 23** is a true and correct copy of Chevron Corporation’s Common Stock price as of 4:00 pm EST on Feb. 23, 2011, as reported by Yahoo Finance, available at <http://finance.yahoo.com/q?s=CVX>.

26. Attached hereto as **Exhibit 24** is a true and correct copy of the Affidavit of Dr. Alejandro Ponce Martinez, dated February 9, 2000.

27. Attached hereto as **Exhibit 25** is a true and correct copy of Texaco’s Objections and Responses to Plaintiffs’ Interrogatories Regarding Proposed Alternative Fora, dated December 28, 1998.

28. Attached hereto as **Exhibit 26** is a true and correct copy of Texaco’s Reply Memorandum of Law in Support of Its Renewed Motions to Dismiss Based on Forum Non Conveniens and International Comity, dated January 25, 1999.

29. Attached hereto as **Exhibit 27** is a true and correct copy of Texaco’s Brief, dated December 20, 2001, submitted to the United States Court of Appeals for the Second Circuit.

30. Attached hereto as **Exhibit 28** is a true and correct copy of Texaco's Memorandum in Support of Its Renewed Motions to Dismiss Based on Forum Non Conveniens and International Comity, dated January 11, 1999.

31. Attached hereto as **Exhibit 29** is a true and correct copy of Texaco's Appendix of Affidavits, Documents and Other Authorities in Support of Its Renewed Motions to Dismiss, dated January 11, 1999.

32. Attached hereto as **Exhibit 30** is a true and correct copy of a printout of the 2001 Transparency International Corruption Perceptions Index, available at:
http://www.transparency.org/layout/set/print/policy_research/surveys_indices/cpi/2001

33. Attached hereto as **Exhibit 31** is a true and correct copy of a printout of the 2010 Transparency International Corruption Perceptions Index, available at:
http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results.

34. Attached hereto as **Exhibit 32** is a true and correct copy of a translation of the Judgment, dated February 14, 2011, in the matter of *Aguinda v. Chevron Corp.* before the Provincial Court of Justice of Sucumbios, Lago Agrio, Ecuador.

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35. Attached hereto as **Exhibit 33** is a true and correct copy of the transcript of a hearing before this Court on April 30, 2010.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 25, 2011, at San Francisco, California.

Dated: February 25, 2011

By: /s/ Elliot R. Peters
ELLIOT R. PETERS
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